

OCT 24 2005

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Faxed to Robin A. Hylton Group [#]3720

Fax Number 571-273-8300

Faxed From MAXIMILLIAN KUSZ

Number of pages including this sheet 12

Date 10-24-05

Comments Application Serial #10/672,741

RESENDING RESPONSE TO DETAILED ACTION
AND 19 CLAIMS WITH PROPER IDENTIFIERS

Certificate of Facsimile

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12

Application/Control Number: 10/672,741
Art unit: 3727

RESPONSE TO DETAILED ACTION

Elections/Restrictions

1. After reviewing the written response to the application filed the applicant chooses to traverse to the position that the species, shown as being divided into Group A and Group B, are not patently distinct. Evidence of this lack of patentable distinction is the fact that the examiner separates the application into two species, Group A illustrated in figures 1-5 and Group B illustrated in figures 6-10, on the basis of mechanical form. Group A utilizes screw threads for both retaining the closure in the container and elevating the closure from the container. Group B utilizes an inclined plane on the interior of the container sidewall cooperating with a spline on the exterior of the closure sidewall for elevating the closure from the container. Comparing the "A" case having threads for elevating means with the "B" case having inclined surface/spline as the elevation means yields the obvious conclusion that the difference between them, is the mechanical device utilized for elevating the closure in each case, not a distinct or unique teaching.

Separate retaining means including a bead at the container opening and the periphery of the closure top panel is the same in both A and B Groups, further supporting the position that no patentable distinction exists between the species.

2. During a phone conversation on 02/23/05 with the examiner the applicant did not have the benefit of the written detailed action. At this time I wish to withdraw my provisional election made with traverse to prosecute the invention of Group A, claim 1-9. I elect to have all claims, 1-19, as amended, original, or withdrawn—currently amended, forthwith, to be submitted for consideration.